(47)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 535 of 2001

PETITIONERS

1) Mahendra Singh, aged about 66 years, son of Laxman Singh.
2) Smt. Chandrabati, aged about 61 years, wife of Shri Mahendra Singh.
3) Ramesh, aged about 28 years, son of Ram Singh.
4) Smt. Sushila, aged about 22 years, wife of Shri Ramesh.
5) Gulab Singh, aged about 65 years, son of Gajraj Singh.
6) Smt. Rani Bai, aged about 60 years, wife of Shri Gulab Singh.
7) Atul Kumar, aged about 36 years, son of Late Devisahay.
8) Somesh, aged about 30 years, son of Yug Singh./
9) Smt. Laxmi, aged about 28 years, wife of Shri Somesh.
10) Vishal Yadav, aged about 30 years, son of Shri Manglu.
11) Smt. Indrawati, aged about 25 years, wife of Shri Vishal Yadav.
12) Panchram, aged about 35 years, son of Shri Khedu Dhruw.
13) Smt. Suruchi aged about 30 years, wife of Panchram.
14) Balbir, aged about 35 years, son of Shri Hirauram Sahu.
15) Smt. Kejabai, aged about 27 years, wife of Shri Balbir.

All are residents of Village Math Purena, Raipur, Tahsil and District Raipur, Chhattisgarh.

Versus

RESPONDENTS

1) The State of Chhattisgarh, through the Collector, Raipur.
2) Shri M.L. Gupta, Additional Tahsildar, Tahsil Office, Raipur, Chhattisgarh.

(48)

3) Shri Rupchand Sharma, Revenue Inspector, Tahsil Office, Raipur, Chhattisgarh.

(Writ Petition under Article 226/227 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri B.P. Sharma, counsel for the petitioners.
Shri Vinay Harit, Deputy Advocate General with Shri Arvind Dubey, Panel Lawyer for the State.

ORAL ORDER
(Passed on 16-11-2007)

Learned counsel appearing for the petitioners submits that the petitioners are lease holders under Rajiv Gandhi Ashraya Yojna, 1998 and since then they are in possession of the disputed lands and have further erected construction thereon. The respondent No.1 without affording an opportunity of hearing by issuing show cause notice had taken steps to demolish the structure standing on the said lands.

2) This Court on 23-4-2001 after hearing both the parties protected the petitioners in the following terms:

> "If the petitioners are in possession of the land or plots in question on this day, they shall not be ousted nor shall their house or structure be demolished until further orders from this Court."

3) Learned counsel appearing for the State/respondent No.1 fairly submits that no steps for demolition of the structure or dispossession of the petitioners from the lands/plots in question shall be taken before affording proper opportunity of hearing to the petitioners in accordance with law and compliance of the impugned order shall not be insisted upon.

4) In view of the foregoing, nothing survives in the matter. Accordingly, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju